

plicant (or his agent or attorney) upon the reception of said returns by the Register.

Action in case
of fraud.

SEC. 4. *Be it further enacted*, That at any time within twelve months after the reception of said returns for registration, (and not after,) any creditor of said applicant, may, upon suggestion of fraud, move in the Superior Court of the said applicant's County, to set aside and annul such laying off of a homestead and setting apart of personalty. The issue of fraud or no fraud shall be tried by a jury at the same term of the Court, unless the motion is continued for legal cause. If the issue be determined in favor of the creditor, he shall recover of the said applicant his Court costs, and all the proceedings for laying off said homestead and setting apart said personalty shall be null and void. If the issue be decided in favor of the applicant aforesaid, the said applicant shall recover of the creditor his Court costs, and the setting off of personalty, and the laying off the homestead, shall stand forever confirmed.

When act to
be in force.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 22nd day of August, A. D. 1868.

Chapter 44.

AN ACT IN RELATION TO PUNISHMENTS.

Penalty for
murder.

SECTION 1. *The General Assembly of North Carolina do enact*, That every person who shall be convicted according to due course of law of any wilful murder of malice pre-pense shall suffer death.

For rape upon
female of ten
years and under.

SEC. 2. That if any person shall ravish, or carnally know, any female of the age of ten years, by force or against her will, or shall unlawfully or carnally know, and abuse, any female child under the age of ten years, he shall suffer death.